

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the Wisconsin Central, Ltd. for the Re-Establishment of a Public Crossing of the Wisconsin Central, Ltd. tracks with U.S. Highway 10, in the Village of Junction City, Portage County

9164-RX-617

FINAL DECISION

By letter dated October 18, 2005, the Wisconsin Central, Ltd. petitioned the Office of the Commissioner of Railroads (OCR) for the Re-establishment of a public crossing of the Wisconsin Central, Ltd. tracks with U.S. Highway 10 located in the Village of Junction City, Portage County. Pursuant to due notice, public hearing was held in this matter on December 23, 2005, in the Village of Junction City, Wisconsin, with hearing examiner David J. Meier presiding.

Appearances:

Parties

Wisconsin Central Ltd.
by
Mr. Michael F. Schmidt
Assistant Superintendent, Central Northern Zone
1235 Junction Street
Wausau, Wisconsin 54403

And
Mr. Terry Lee, PE
Manager, Public Works
1625 Depot Street
Stevens Point, Wisconsin 54481

Wisconsin Department of Transportation
by
Mr. Richard Plaster, District Railroad Coordinator
1681 2nd Avenue South
Wisconsin Rapids, Wisconsin 54495

Village of Junction City
by
Mr. Tom Peterson, Village President
416 Chapley Avenue
Junction City, Wisconsin 54443

All of the above Parties supported the petition. In addition, Mr. Bill Weronke, Jr, the Portage County Highway Commissioner, who has an interest in the matter by reason of the effects of the proposal on rail movements over Country Trunk Highways G and O, appeared, by written statement, in support of the petition.

Finally, Mr. Garrett Erickson, who owns a building next to the Railroad right-of-way at 110 Main Street, in Junction City, appeared to voice concerns relative to vibration from Railroad use. Additionally, some land owned by Mr. Erickson may be required for the placement of warning signals. Mr. Erickson and the Petitioner are negotiating these matters; however, a supplemental hearing will be held, if necessary, to resolve any issues not otherwise settled.

FINDINGS OF FACT

There are presently three legs of the wye in existence at the diamond formed by the junction of the east-west main track of the Superior Subdivision with the north-south main track of Valley Subdivision. They are in the northeast, southeast and southwest quadrants of the junction. The fourth wye, in the northwest quadrant, had been removed many years ago, but with Railroad ownership of the right-of-way retained. In its absence, trains originating west of Junction City and bound for areas north of Junction City must travel through the village, stop on its east side, then back through it and to the south, before finally proceeding to the north. This procedure requires that such trains move through the village at very slow speeds three times during the maneuver. These movements can effectively deny use of both main line tracks to other rail traffic for as much as ninety minutes. Therefore, not only is the village encumbered with the congestion provided by the train on the diamond, but other crossings in all four directions from the junction are frequently obstructed by other trains stalled or slowed by the impediment on the main lines.

U. S. Highway 10 passes through the village of Junction City on an east-west bearing. It parallels the Superior Subdivision mainline and lies north of the junction by about 100 yards. It crosses the Valley Subdivision mainline track as well as the northeast wye and the proposed northwest wye. The existing crossing of the mainline and the northeast wye are treated as one crossing and are protected by cantilevered automatic flashing lights with gates on the external approach to each track together with cantilevered flashers without gates between the two tracks. In addition, all signals at the crossing are controlled by constant warning time circuitry.

Records of this Office indicate that U.S. Highway 10 carries about 7,400 vehicles per day. However, U.S. Highway 10 is to be relocated out of the village of Junction City in 2010, reducing the amount of traffic over the crossing at that time. Counterbalancing some of that reduction is the anticipated increase in coal-bearing trains using this crossing as the coal-burning electric generating plant addition at Weston becomes functional in about 2008.

The reinstallation of the northwest wye would widen the total crossing by about 130 feet. The westerly extension of the proposed crossing would encompass the intersection of Morgan Street and U. S. Highway 10, which lies partially within the right-of-way for the northwest wye. Reinstallation of this wye would require the protection of Morgan Street travelers with additional warning devices.

It is proposed by Wisconsin Central Ltd. that the existing signals be relocated and added to as part of the reinstallation of the northwest wye. That signaling proposal is contained in Petitioner's Exhibit 1, filed at hearing of this matter on December 23, 2005.

Re-establishment of the northwest leg of the wye in the village of Junction City will greatly increase the efficiency and fluidity of the rail operations through that village and over crossings lying remote from the village. Public safety and convenience will, therefore, be increased within the village and at other crossings beyond village limits. The proposal to re-establish the northwest leg of the wye in the village of Junction City is reasonable and should be approved and ordered.

FINDINGS OF ULTIMATE FACT

1. That the alteration of the crossing at-grade of U.S. Highway 10 with the Wisconsin Central Ltd. tracks by the re-establishment of the northwest leg of the wye in the village of Junction City, Portage County in accordance with the design plans filed in this proceeding will promote public safety and convenience.

2. That re-establishment of the northwest leg of the wye is advisable under all the circumstances.

3. That in order to adequately protect and promote public safety, it is necessary to relocate or install and maintain warning equipment at and about the crossing as is indicated below.

4. That it is reasonable that the Village of Junction City bear no part of the cost for the crossing construction.

CONCLUSION OF LAW

That the jurisdiction of the Office of the Commissioner of Railroads under §§195.28 and 195.29, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

ORDER

1. That the Petition of the Wisconsin Central Ltd. to re-establish the northwest leg of the wye at its junction of its Valley Subdivision mainline and its Superior Subdivision mainline tracks in the Village of Junction City, Portage County, in accordance with plans on file in this proceeding be and hereby is granted. The reconstruction and connection of the wye shall be completed by **December 31, 2006**.

2. That as part of the re-installation of the wye, the **Wisconsin Central Ltd.** shall relocate or install the following protective devices at and around the crossing: 1. Cantilevered automatic flashing lights with gates on the westerly approach to the northwest wye and on the easterly approach to the northeast wye. 2. Automatic flashing lights with gates controlling southbound traffic on **Morgan Street** at the intersection of Morgan Street and U.S. Highway 10. 3. Automatic flashers on the immediate approaches to the **Valley Subdivision mainline tracks**. 4. Cantilevered automatic flashers situated on each side of the **Valley Subdivision mainline tracks** and positioned between those tracks and each wye. All of such equipment shall be installed in accordance with Petitioner's Exhibit 1 filed at hearing herein on December 23, 2005 and shall be controlled by constant warning time circuitry. Such installations shall be made at the sole expense of Wisconsin Central Ltd. and shall be completed, along with the installation of the wye, by **December 31, 2006**.

3. That the **Wisconsin Central Ltd.** shall submit to the Office of the Commissioner of Railroads signal and circuit plans of its installation upon completion of the signal project.

4. That **Wisconsin Central Ltd.** shall, as part of the re-establishment of the northwest leg of the wye, install at its own cost a crossing of the wye, consisting of a concrete crossing surface, by **U.S. Highway 10** in the Village of Junction City, Portage County.

5. That **Wisconsin Central Ltd.** shall be responsible for the payment of any costs assessed to it by this Office pursuant to §195.60, Stats., for the investigation of this matter by the Office.

6. That jurisdiction is retained.

Dated at Madison, Wisconsin, this 19th day of April, 2006.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen, Commissioner